

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed/electronically dated February 29, 2008. In order to advance prosecution of this case, Applicant amends Claims 1, 10, 19, 28, and 37. Applicants cancel Claims 7, 16, 25, and 34 without prejudice or disclaimer. With respect to all amendments and cancellations herein, Applicants reserve the right to pursue broader subject matter than that presently claimed through the filing of continuations and/or other related applications. Applicants respectfully request reconsideration and favorable action in this case.

**Section 103 Rejections**

Claims 1-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,324,409 issued to Shaffer et al. ("*Shaffer*"). Applicant respectfully traverse this rejection. For purposes of advancing prosecution, Applicant amends Claims 1, 10, 19, 28, and 37.

As amended, Claim 10 recites:

A method for signaling to establish telecommunication service between a first and a second network comprising:

receiving a call setup message from a first network, the call setup message signaling for a media channel for transporting media between a first device and a second device;

identifying a first encoding format for media in the media channel communicated with the first network;

determining a second encoding format for media in the media channel communicated with a second network;

if the first encoding format and the second encoding format are different:

determining whether a count included in the call setup message is greater than a predetermined value, wherein the count indicates a number of transcoding points on the media channel;

in response to determining that the count is greater than the predetermined value, rejecting the call setup message; and

in response to determining that the count is not greater than the predetermined value:

incrementing the count;

identifying a remote element to receive the call setup message; and

transmitting the call setup message to the remote element.

*Shaffer*, as disclosed and as modified by the Examiner, fails to disclose, teach, or suggest every element of amended Claim 1 for at least several reasons. First, *Shaffer*, even if modified as the Examiner proposes, fails to disclose “if the first encoding format and the second encoding format are different . . . determining whether a count included in the call setup message is greater than a predetermined value, wherein the count indicates a number of transcoding points on the media channel.” Second, *Shaffer* fails to disclose “in response to determining that the count is greater than the predetermined value, rejecting the call setup message.” As a result, *Shaffer* fails to disclose, teach, or suggest every element of Claim 10.

First, *Shaffer*, fails to disclose “if the first encoding format and the second encoding format are different . . . determining whether a count included in the call setup message is greater than a predetermined value, wherein the count indicates a number of transcoding points on the media channel.” As amended, Claim 10 incorporates elements similar, although different in scope, from those included in original Claim 7. In addressing Claim 7, the Examiner cites a portion of *Shaffer* that discloses certain steps in a method “for determining an end-to-end coding scheme” based on a “list of preferred voice coding methods.” *Shaffer*, col. 8, ll. 65-66. Specifically, the portion of *Shaffer* referenced by the Examiner recites:

If, however, there is no result which allows the call to be performed without transcoding (step 654) then a result which performs the call with a minimum number of transcodings is selected (step 658).

If there is a tie in the results which allow the call to be performed with a minimum number of transcodings (step 660), then the tied results are analyzed and the result which allows the call to be performed with the most number of hops with compressed coding is selected (step 662). As previously mentioned, a hop is a telecommunication signal coded section between two stations.

*Shaffer*, col. 9, ll. 35-45.

The cited portion of *Shaffer* does not, however, disclose any “call setup message,” let alone any “count included in the call setup message” (emphasis added). The cited portion also does not disclose any “predetermined value.” Thus, the cited portion of *Shaffer* fails to disclose “determining whether the count included in the call setup message is greater than a predetermined value” for several reasons. Consequently, *Shaffer* fails to disclose “if the first encoding format and the second encoding format are different . . . determining whether a count included in the call setup message is greater than a predetermined value, wherein the

count indicates a number of transcoding points on the media channel” as required by Claim 10.

Second, *Shaffer* fails to disclose “in response to determining that the count is greater than the predetermined value, rejecting the call setup message.” As discussed above, the Examiner, in addressing similar elements of original Claim 7, references a portion of *Shaffer* that discloses a method “for determining an end-to-end coding scheme” based on a “list of preferred voice coding methods.” *Shaffer*, col. 8, ll. 65-66. As noted above, the cited portion of *Shaffer* fails to disclose “determining whether a count included in the call setup message is greater than a predetermined value” for several reasons, and thus, *Shaffer* does not disclose any elements initiated “in response to determining that the count is greater than the predetermined value” (emphasis added). Furthermore, as also noted above, the cited portion merely discusses a manner of determining an end-to-end coding scheme and makes no reference to any “call setup message” nor to the elements that the Examiner attempts to equate with the claimed “call setup message” in addressing other elements of Claim 10 (i.e., the various “signaling messages” utilized by the *Shaffer* system). Consequently, the cited portion of *Shaffer* fails to disclose any manner of “rejecting [a] call setup message.” *Shaffer* thus fails, for several reasons, to disclose “in response to determining that the count is greater than the predetermined value, rejecting the call setup message” as required by amended Claim 10.

As a result, *Shaffer*, even if modified as proposed by the Examiner, fails to disclose, teach, or suggest every element of amended Claim 10. Claim 10 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 10 and its dependents.

Although differing in scope from Claim 10, Claims 1, 19, 28, and 37 include elements that, for reasons substantially similar to those discussed with respect to Claim 10, are not disclosed, taught, or suggested by *Shaffer*, even if modified as the Examiner proposes. Claims 1, 19, 28, and 37 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 1, 19, 28, and 37, and their respective dependents.

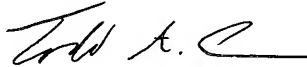
**Conclusions**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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